

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

v.

Re: No. 15 Cr. 153
No. 23 Civ.1550

Yonell Allums,

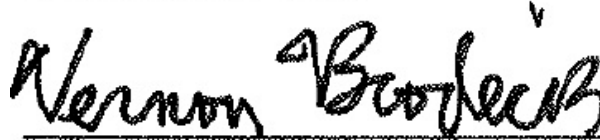
MOTION FOR PERMISSION TO
SUPPLEMENT 2255

Petitioner.

Although it is not clear that there is any authority supporting retroactive application of Amendment 826, *see United States v. Eder*, No. 4:10-cr-97, Doc. 156, at *7 (D. Mt. June 17, 2025) ("Amendment 826 is not retroactive." (citing USSG § 1B1.10(d))), Allums's motions to supplement at Docs. 39 and 40 are granted. Allums may submit a supplement of no more than ten (10) pages addressing the issues raised in Docs. 39 and 40 by September 12, 2025. The Government is directed to respond within thirty (30) days of the submission of Allums's supplemental briefing. The Clerk of Court is respectfully directed to mail a copy of this Order to pro se Plaintiff.

Dated: August 12, 2025

SO ORDERED:


HON. VERNON S. BRODERICK
UNITED STATES DISTRICT JUDGE

COMES NOW, Yonell Allums, pro se, and respectfully moves this Honorable Court for permission to supplement his pending Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. In support of this Motion, Petitioner states as follows:

1. Petitioner filed his original § 2255 motion on February 21, 2023, raising several grounds for relief.
2. Petitioner seeks to supplement his § 2255 motion to include a claim challenging the use of acquitted conduct in determining his sentence, which was not included in the original filing.
3. The proposed supplement is based on the recent developments in case law and constitutional principles that have come to Petitioner's attention since the filing of his initial motion. Specifically, Petitioner seeks to argue that the consideration of acquitted conduct in determining his sentence violated his Fifth and Sixth Amendment rights, as established in relevant case law and jurisprudence.
4. The requested supplement is not intended to delay the proceedings but rather to ensure that the record is complete and that all claims warranting relief under § 2255 are properly presented for adjudication.
5. The Court has discretion to permit a pro se petitioner to supplement his § 2255 motion where justice so requires, and the interests of judicial economy would be served by allowing all claims to be addressed in a single proceeding.

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant him

permission to supplement his § 2255 motion to include a claim challenging the use of acquitted conduct in determining his sentence and any other relief the Court deems just and proper.

Respectfully submitted,

Yonell Allums
Pro Se Petitioner
Reg. No. 27404-054
FCI SCHUYLKILL CAMP
PO BOX 670
MINERSVILLE, PA 17954